

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**United States of America,**

Plaintiff,

v.

**Harry Santiago-Rivera,**

Defendant.

Crim. No. 18-025-2 (PG)

**ORDER**

Pending before the court is defendant Harry Santiago-Rivera's Motion to Suppress (Docket No. 24) and Supplemental Motion (Docket No. 48). On June 11, 2018, Magistrate Judge Camille Velez-Rive issued a Report and Recommendation ("R&R") (Docket No. 50) upon the court's request. In her R&R, Magistrate Judge Velez-Rive recommended that the motions be denied and warned that the defendant had until June 25, 2018, to file any objections to the R&R. By said date, however, the defendant had neither filed any objections nor requested an extension of time to do so.

The district court may refer motions to suppress to a United States Magistrate Judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). See Fed. R. Crim. P. 59; see also L. Crim. R. 159. An adversely affected party may file written objections to the report and recommendation within fourteen days of being served with copy of the same. See 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59. The standard of review applicable to a Magistrate Judge's report and recommendation depends on whether objections are filed. Absent a proper objection, the court need only review for plain error in the Magistrate Judge's findings to adopt the same. Moreover, "a party's failure to assert a specific objection to a

report and recommendation irretrievably waives any right to review by the district court and the court of appeals.” Santiago v. Canon, U.S.A., Inc., 138 F.3d 1, 4 (1st Cir. 1998).

Here, the defendant filed a Motion to Suppress (Docket No. 24) that was referred to Magistrate Judge Velez-Rive. Pursuant to the Magistrate Judge’s Order at Docket No. 43, Defendant later filed a Supplemental Motion (Docket No. 48). The government opposed both motions (Docket No. 49). In her R&R, Magistrate Judge Velez-Rive recommends that the court deny the defendant’s motions because they do not comply with Local Criminal Rule 147 (a), which requires parties to incorporate a memorandum of law with citations and supporting authorities, as well as affidavits and other documentary evidence in support of every dispositive motion filed. See Docket No. 50. Magistrate Judge Velez-Rive also warned that any objections to the R&R had to be filed by June 25, 2018, but none was filed.

Upon a cursory review of the R&R, the undersigned has found no error, plain or otherwise, with respect to the Magistrate Judge’s conclusions that the pending motions run afoul with Local Criminal Rule 147(a), as they merely contain unsupported arguments of defense counsel. Consequently, the court **ADOPTS-IN-FULL** Magistrate Judge Velez-Rive’s R&R (Docket No. 50). Defendant Santiago-Rivera’s motion to suppress (Docket No. 24) and supplemental motion (Docket No. 48) are therefore **DENIED**.

**IT IS SO ORDERED**

In San Juan, Puerto Rico, September 20, 2018.

S/ JUAN M. PÉREZ-GIMÉNEZ  
**JUAN M. PEREZ-GIMENEZ**  
**SENIOR U.S. DISTRICT JUDGE**